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FG Hemisphere Associates, LLC*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FG HEMISPHERE ASSOCIATES, LLC,

Plaintiff-Judgment-Creditor,

v.

DEMOCRATIC REPUBLIC OF CONGO, et ano.,

Defendant-Judgment-Debtor.

19-mc-00232-JPO

EX PARTE APPLICATION

PLEASE TAKE NOTICE that upon the accompanying Declaration of Warren E. Gluck, Esq. dated August 10, 2021 and the exhibits thereto, the Declaration of Peter Grossman dated August 10, 2021 and the exhibits thereto, the memorandum of law submitted in support hereof, and all prior pleadings, proceedings, judgments and orders herein, Plaintiff-Judgment-Creditor FG Hemisphere Associates, LLC, by its counsel Holland & Knight LLP, will move the Court *ex parte* before the Honorable J. Paul Oetken, United States District Judge, at Courtroom 706, United States Courthouse, 40 Foley Square, New York, New York 10007, at such a date and time set by the Court, for an Order (i) authorizing Plaintiff to deliver writs of execution to the United States Marshals Service pursuant to Article 52 of New York's Civil Practice Law and Rules ("CPLR") permitting execution on the Democratic Republic of Congo ("DRC") and its agents' property in the United States; (ii) authorizing Plaintiff to issue restraining notices on TD Bank and the United Nations Federal Credit Union

(“UNFCU”) accounts of the DRC and its sub-division, the Permanent Mission of the Democratic Republic of Congo (“DRC Mission”), Ignace Gata Mavita wa Lufuta, Paul Losoko Efambe Empole, Victoria Lieta Liolocha, Hippolyte Kingonzila Mfulu, Bianza Therese Yvette Mpinga or Marie Huguette Nkus Ngung (collectively the “Co-Conspirators”) pursuant to Federal Rules of Civil Procedure (“FRCP”) 64 and 69(a) and CPLR § 5222; (iii) directing TD Bank and the UNFCU, as garnishees, pursuant to FRCP 64 and 69(a) and CPLR §§ 5225(b) and 5227, to turn over all assets of the DRC and its sub-division, the DRC Mission, held in accounts in the name of the DRC Mission or in the names of any of the Co-Conspirators; (iv) permitting Plaintiff to maintain priority over other creditors who may also seek to attach or execute upon the same assets subject to this *ex parte* application; (v) requiring the DRC and its agents to respond to expedited discovery so that Plaintiff can identify any additional property in the United States that is or will become available to satisfy Plaintiff’s judgments; and (vi) for such other and further relief as the Court deems appropriate.

Dated: New York, New York
August 10, 2021

HOLLAND & KNIGHT LLP

By: s/ Warren E. Gluck
Warren E. Gluck

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TO: ALL COUNSEL OF RECORD (via ECF)